

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Jorian L. Rose
Nicholas J. Cremona
Amy E. Vanderwal
Stephanie Ackerman

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**CERTIFICATE OF NO OBJECTION OF TRUSTEE'S MOTION AND MEMORANDUM
TO AFFIRM HIS DETERMINATIONS DENYING CLAIMS OF
CLAIMANTS HOLDING INTERESTS IN THE ARTICLE THIRD TRUST,
PALMER FAMILY TRUST, MAGGIE FAUSTIN, ESTATE OF THEODORE
SCHWARTZ, AND MILLER TRUST PARTNERSHIP**

Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* ("SIPA") and the estate of Bernard L. Madoff

(“Madoff”), by and through his undersigned counsel, submit this certificate pursuant to Local Bankruptcy Rule 9075-2, and respectfully represents:

1. On March 21, 2016, the Trustee filed the Trustee's Motion and Memorandum to Affirm His Determinations Denying Claims of Claimants Holding Interests in the Article Third Trust, Palmer Family Trust, Maggie Faustin, Estate of Theodore Schwartz, and Miller Trust Partnership (the “Motion”) (ECF No. 12947).

2. The deadline for filing objections to the Motion expired on April 6, 2016. A hearing on the Motion has been scheduled for April 27, 2016 at 10:00 a.m.

3. Notice of the Motion was provided by U.S. Mail, postage prepaid or email to (i) claimants listed in Exhibit 2 annexed to the supporting Declaration of Vineet Sehgal (ECF No. 12948); (ii) all parties included in the Master Service List as defined in the Order Establishing Notice Procedures (ECF No. 4560); (iii) all parties that have filed a notice of appearance in this case; (iv) the SEC; (v) the IRS; (vi) the United States Attorney for the Southern District of New York; and (vii) SIPC, pursuant to the Order Establishing Notice Procedures (ECF No. 4560).

4. On April 11, 2016, Claimant Ronald Joseph and Marie Elsie Joseph filed their Objection to Trustee’s Determination of Claims (ECF No. 13076) (the “Joseph Claim”).

5. On April 19, 2016, the Trustee filed his Notice of Partial Withdrawal of Motion in regard to the Joseph Claim (ECF No. 13134).

6. On April 21, 2016, the Notice of Withdrawal of Objection to Trustee’s Motion was filed on behalf of Ronald Joseph and Marie Elsie Joseph (ECF No. 13142).

7. Counsel has reviewed the Court’s docket not less than forty-eight (48) hours after expiration of the time to file an objection, and to date, no further objection, responsive pleading, or request for a hearing with respect to the Motion appears thereon. Additionally, no party has

indicated to the Trustee that it intends to oppose the relief requested in the Motion.

8. An electronic copy of a proposed order (the "Order"), that is substantially in the form of the proposed order that was annexed to the Motion will be submitted to the Court, along with this certificate.

9. Pursuant to Local Bankruptcy Rule 9075-2, the Trustee respectfully requests that the Order be entered without a hearing.

Dated: New York, New York
April 22, 2016

By: /s/David J. Sheehan
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Tel: (212) 589-4200
Fax: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Jorian L. Rose
Email: jrose@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Amy E. Vanderwal
Email: avanderwal@bakerlaw.com
Stephanie A. Ackerman
Email: sackerman@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L. Madoff*